

**Location**                      **Flat 51 Garrison Heights 55 Henry Darlot Drive London NW7 1RF**

**Reference:**                      **19/3863/FUL**

Received: 11th July 2019

Accepted: 16th July 2019

Ward:                              Mill Hill

Expiry 10th September 2019

Applicant:                      Mr Harry Slagel

Proposal:                      Creation of an enclosed area by inserting sliding doors and fixed glazed panels into openings of an existing terrace

**Recommendation:** Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan; Planning Statement; 05/1035/PLAN/101; 05/1035/PLAN/111; 05/1035/PLAN/110\_D; 05/1035/PLAN/105\_E.

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 2 This development must be begun within three years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3 a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2016.

- 4 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm pm on other days.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Development Management Policies DPD (adopted September 2012).

- 5 The use of the balcony/terrace hereby permitted shall at all times be ancillary to and used as an amenity space with the main flat and shall not at any time be used as living space.

Reason: To ensure that the development does not prejudice the character of the locality and the amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012).

#### **Informative(s):**

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

## **Officer's Assessment**

### **1. Site Description**

The application site is located on the northern side of Henry Darlot Drive, consisting of a purpose-built block of flats. The application itself concerns a balcony on one of the upper floor flats with the area surrounding the proposed site being primarily residential, part of the Mill Hill regeneration scheme, with many units in the surrounding area still under construction. The site is located within the Mill Hill ward. The site is not within a conservation area, nor is it a listed building.

### **2. Site History**

#### **Reference: H/04017/09**

Address: Inglis Barracks, Price Close, London, NW7 1PX

**Decision:** Approved subject to conditions

Decision Date: 22 September 2011

Description: Outline application for the comprehensive redevelopment of the site for residential led mixed use development involving the demolition of all existing buildings (excluding the former officers mess) and ground re-profiling works, to provide 2,174 dwellings, a primary school, GP Surgery, 1,100sqm of 'High Street' (A1/2/3/4/5) uses, 3,470sqm of employment (B1) uses, a district energy centre (Sui Generis) and associated open space, means of access, car parking and infrastructure (with all matters reserved other than access). Full application for the change of use of former officers' mess to residential (C3) and health (D1) uses.

### **3. Proposal**

The application seeks approval for the creation of an enclosed area by inserting sliding doors and fixed glazed panels into openings of an existing terrace.

The applicant proposes various levels of glazing/openings on the front, side and rear elevations. On the front elevation the applicant proposes 3no sliding glazed doors, 1no three pane sliding door measuring 3.3 meters in width with a height of 2.5 metres (which is to be set back) and 2no two pane sliding doors with a width of 1.9 metres and a height of 2.5 metres. 2no fixed glass panes are proposed on the side elevation with a width of 2.2 metres and a height of 2.5 metres. Bi-fold windows are proposed on the rear elevation with a width of 3.8 metres and a height of 1.3 meters, 1.2 metres above ground floor level. The windows will replace the railings currently on the side elevation, but the railings on the front elevation and rear elevation will be maintained.

### **4. Public Consultation**

Consultation letters were sent to 67 neighbouring properties.

14 responses have been received, comprising 9 objections (2 of which are anonymous and cannot be counted) and 3 letters of support. Some individuals have provided more than one response, all combined responses will be counted as a single objection.

The objections received can be summarised as follows:

- Damage views of the overall building
- Reduce value of other flats/ impact the price of flats
- Concerns regarding safety

- Possible serious damage to structure of the building and would harm the overall building if an earthquake were to occur.
- Concerns for the quality of materials used.
- If permission is granted then the objector would wish to install a similar scheme to their property.
- There is a personal connection between the Estate Manager and the owner.
- As it is an apartment, all external modifications should be approved by all residents.
- Find it absurd that someone could modify the external appearance of a flat, all the flats should remain unchanged.
- Everyone in the property experiences the same amount of wind.
- Will only increase the indoor living space of the property.
- Will result in precedence being set for other flats to also erect similar alterations.
- Doesn't match with the rest of the flats look as this space should be a balcony.
- Concerns about exterior image.
- People working from home Monday to Friday, will still be affected by noise.
- Detrimentially affect the uniformity of the elevation.

Anonymous objections were received from multiple people, however as their full address is unknown we cannot fully address these comments.

- There is a significant level of noise around the site due to existing construction.
- Benefit is not clear for the resident or neighbours.

An objection was also received from the Mill Hill Preservation Society and is summarised below:

- The infilling of the balcony will become internal space and result in loss of amenity space for the flat.
- The proposal will change the exterior design of the block, harming the balance, uniformity and harmony of the original design.
- The design would move the railings slightly forward, which would result in an unbalanced façade
- The proposal would set a poor precedent which could encourage further uneven modification.

The representations received can be summarised as follows:

- Support the proposal, it will increase the value of the building.
- Minor alteration to a large façade, very much in keeping with the overall building.
- Appreciate if building works were conducted Monday to Friday.
- The works would result in a heavy noise reduction which works well for the family.
- Some of the objections are unfounded and they do not believe that the result will harm the value of the property.
- The current street scene would not be impacted and the addition would give the property a more complete look.
- Residents are already living close to a building site, the noise generated from this development would not be significant in comparison to the existing circumstances.

## **5. Planning Considerations**

### **5.1 Policy Context**

National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The National Planning Policy Framework (NPPF) was amended on 19 February 2019. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

#### The Mayor's London Plan 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

The London Plan is currently under review. Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the adopted London Plan

#### Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02.

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

#### Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.
- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.
- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted October 2016)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.

## **5.3 Assessment of proposals**

Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;

All proposed developments should be based on an understanding of the local characteristics, preserving or enhancing the local character and respecting the appearance, scale, mass and height of the surrounding buildings, spaces and streets in accordance with DM01 of the Development Management Policies DPD (2012).

The application focuses on the upper floor balcony/terrace of a flat which is part of a new-build block of flats within the Mill Hill Millbrook Park development. There is a fairly consistent design throughout the block of flats concerning the balcony and the terraces to this side of the property. Whilst this is the case, officers note that the terrace area which this application concerns detaches itself from the general uniformity within the overall structure. When assessing the horizontal character of the block of flats officers must take into account the other penthouse/top floor flats. These all feature glazed sliding doors and windows which reflect the apartments below in style and design. When officers pay attention to the other bookend top floor apartment, whilst railings are featured to create a barrier, immediately behind instead of there being an open terrace area, there are glazed sliding doors similar to the ones being proposed in this application. This is also featured in other top floor apartments where a flat head gable is pronounced from the main body of the apartment block. When considering the vertical character of the host site and the flats below, the setback of the below balcony is maintained in the amended drawings further ensuring that

the proposed development would maintain the existing design of the other flats and existing uniformity within the overall block.

Officers therefore consider that the proposed glazing on the front elevation to encompass the terrace would preserve the established character within the block and also enhance it by ensuring uniformity is kept throughout the entire build. Officers consider the proposed glazing along the rear and side elevations would not have a significant impact on the proposed design and character of the top floor terrace. It would not be particularly visible from the streetscene given it is set in from the floor below. The use of the terrace would remain as it currently is, this application would only result in glazing being provided along the boundary of the terrace to create an enclosed balcony space which would help prevent any crosswinds due to the elevation and ensure that the space could be effectively used as a balcony/terrace area for current and future residents. Whilst the exact materials have not been mentioned to the planning officers, the colour would be the same, officers would condition that materials be submitted to the LPA for approval prior to commencement of development.

Whether harm would be caused to the living conditions of neighbouring residents;

The proposed development would have no impact on the amenities or living conditions of other residents. There would be no loss of light, outlook or privacy from the proposed design. Officers consider that when implemented, the proposed scheme would not result in additional noise levels, whilst the frequency of use of the space may increase slightly due to fairer conditions within the space for the future residents, it should be noted that the existing use itself as a covered balcony/terrace would remain the same, therefore there would be no harm in this respect. Building/construction hours would be conditioned to ensure that noise levels during construction would be appropriate.

#### **5.4 Response to Public Consultation**

The proposed development as mentioned in the assessment above, is considered to preserve the uniformity and enhance that aspect of the character of the existing building to ensure that the proposed design of the overall building remains consistent throughout. It should be noted that values of flats are not a planning concern. Officers note that the proposed development would need building control approval to ensure the scheme does not impact the integrity of the building itself, however it is likely that the structure would be affected by some additional glass panels. It should be noted that the United Kingdom is not located anywhere near a fault line where tectonic plates meet, therefore the event of an earthquake impacting this site is highly unlikely and all neighbouring residents should rest assured knowing that the building would not be affected by any earthquakes. As mentioned in the assessment, the quality of the materials used would be conditioned to match the existing materials on the rest of the site.

Connections between estate managers and residents are not a planning concern, the appearance of the proposed scheme in relation to the flat has been discussed in the assessment above, and it should be again noted that the proposed scheme is being supported by officers due to an existing imbalance between the host flat and the other flats within the block. Another point officers would again raise would be that use of the space would remain as existing, this application would only be for glazing. Whilst this would set precedence for the possibility of external modifications, they would still have to respect the character of the host site and surrounding area and not harm neighbouring amenity to ensure that they are acceptable. No immediate permission would be given to any other unit for external alterations should this permission be granted approval, they would have to go

through the same planning process. Also, whilst neighbouring residents do not have to all approve any modifications, they are given the ability to comment on the application which, by the amount of responses, is clear to have been utilised. The noise generated from noise would be conditioned as mentioned in the assessment to ensure minimal disturbance.

## **6. Equality and Diversity Issues**

The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

## **7. Conclusion**

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.



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